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DEPARTMENT FOR OPS CENTER

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SUBJECT: KENYA'S CONSTITUTIONAL REFERENDUM LARGELY  
PEACEFUL AND APPARENTLY WITHOUT WIDESPREAD PROBLEMS

1. SUMMARY: In Kenya's first constitutional referendum the polls will close soon, after a mostly peaceful exercise. There have been a number of minor irregularities credibly reported or seen by international observers, as well as allegations not yet proved or disproved. There have been other problems that appear to be simple mistakes, resulting in long waits for some voters. Overall there does not appear to be any particular pattern to the irregularities, which also do not appear to be widespread. END SUMMARY.

2. Kenya's voters are engaged in a historic exercise, the first constitutional referendum in the history of this relatively young country. The electorate appears sharply divided, but both sides have called for a peaceful ballot, a call that appears to be almost fully realized at this time.

3. There are 166 international observers around the country from 16 countries (including the U.S.). That figure includes 63 U.S. Embassy observers. There are some Kenyan observers as well, but not nearly enough to cover the over 19,000 polling stations.

4. At 1700 local time, as the hours of voting officially end, the reports from observers indicate a number of irregularities, ranging from cardboard "screens" for voters that did not screen them from view to two observed instances of cash being handed to voters. (Note: Polls are scheduled to close at 1700 hours, but it was announced that people in line at polling stations at that time will be allowed to vote. End note.) There is a news report that two polling agents have been arrested in a Nairobi district after voters saw them distributing bribes. Several government officials have violated the official prohibition on campaign activity during and in the final 24 hours before the vote, one of whom was the President, who campaigned for a yes vote in a public speech Sunday. There were isolated reports of more serious problems, but none have been verified at this time. The "yes" side (symbol: banana), supported by the President, appears to be at least marginally more involved in electoral hanky-panky than the "no" side (symbol: orange).

5. At two polling stations in Nairobi, Kibera and Runda, approximately 600 and 200 voters, respectively, are standing around saying they "will not leave until the results are announced." At least one other Nairobi area, Kasarani, also has a crowd waiting for results. Embassy personnel are monitoring the crowds, which until now have been almost entirely peaceful. There was one exception at a Kibera polling station, in which a vehicle was apparently suspected of bringing ballots to be stuffed in the box at the end of the polling period. According to the report, the driver was pulled out of his vehicle and badly beaten, but no irregular ballots were found.

6. In addition to irregularities, there have been a number of minor problems reported that do not appear aimed at unduly influencing or corrupting the vote. There were eight polling stations in Garissa (Northeast), for example, that did not open until around noon, instead of the stated 0700 hours. One complaint from many polling stations is that voting registers are incomplete, forcing many would-be voters to be turned away.

7. There are solid reports of quite low turnout (25 percent in one case) in two constituencies. Results could be announced tonight, or as late as Wednesday. There do not appear to be either significant patterns or a particularly wide range in the irregularities reported by observers.

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